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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,798	10/16/2003	Richard A. Sunshine	US20000055-1	7931

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WHIRLPOOL PATENTS COMPANY - MD 0750  
500 RENAISSANCE DRIVE - SUITE 102  
ST. JOSEPH, MI 49085

EXAMINER
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PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

MAIL DATE	DELIVERY MODE
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05/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/686,798

Applicant(s)

SUNSHINE ET AL.

Examiner

Joseph L. Perrin, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) 2-9 and 25-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11-24 and 45-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 March 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to the amended claims filed 23 March 2007, with respect to the rejections of claims have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, new grounds of rejections are made as follows.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 11-12, 14-16, 20, 22-24, 45-46, 48 & 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,510,778 to COTTON in view of DE 9013620 U to DREHER. COTTON teaches an integrated cabinet assembly having

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panels (col. 2, line 52 *et seq.*) defining plural spaces including a washer housed in a washer space (59) and a clothes dryer housed in a dryer space (55) readable on collectively defining a space and being in a side-by-side configuration, and another dryer housed in another drying space (see, for instance, Figure 6). Re claim 14, COTTON further discloses in Figure 6 that the dryers have an open front side and doors (cover panels). Re claim 20, the horizontal dryer drum reads on perforated horizontal surface. Re the frame and panel limitations, the Examiner takes the position that a frame to support the cabinet is implicitly taught, such being well recognized by one having ordinary skill in the art to be common knowledge in the cabinet making art, and is well within the level and knowledge of one having ordinary skill in the cabinet making art. While COTTON does not expressly disclose the dryer having an air moving device, the position is taken that a dryer having an air moving device is an implicit teaching in the explicit teaching of a dryer and such being common knowledge in the appliance art.

COTTON appears to disclose each and every structural limitation of the claimed invention with the exception of slidable shelves and/or drawers. Re claims 1, 11-12, 15-16 & 22, DREHER teaches that it is known to provide a household appliance cabinet with a slidable drawer with a flat supporting surface (Figure 4; readable on slidable shelf) and a slidable shelf (Figure 5) for the purpose of providing laundry supports to ease laundry operations (see also Abstract). Therefore, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the integrated laundry cabinet of COTTON with slidable drawers/shelves for the known purpose of easing laundering operations. Moreover,

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there would have been a reasonable expectation of success in providing the cabinet assembly of COTTON with such drawers/shelves since both are in the same field of endeavor and the addition of such drawers/shelves would be a simple modification well within the knowledge generally available to one in the appliance manufacturing art.

Regarding a plurality of drawers in claim 23, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to supply plural drawers in order to achieve the desired drawer spaces since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8; *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

5. Claims 1, 11-16, 20-24 & 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,811,198 to BALTES in view of DE 4228469 to DREHER. BALTES discloses an integrated cabinet comprising plural discrete spaces and a dryer 1 having an air moving device 11 arranged to deliver air to the dryer space via an inlet and outlet, interconnecting panels on the cabinet which read on "exterior decorative fascia panels", hanger rods 14/30, an open front with cover panel (door 7), the hanging device with rods 14/30 being slidable inward and outward (see Figures 5-6) and forming a plurality of horizontal stacked surfaces with a plurality of perforations which permit air to pass through to the space, and the cabinet being formed by panels (see Figure 13) which implicitly discloses the cabinet having a frame structure for fastening the panels thereto (see Figures 1-2, 13 and relative associated text). Re

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claim 48, the single space adjacent dryer 1 (see Figure 13) reads on the claimed combination of spaces to form a single space since the adjacent single space appears to be fully capable of performing the claimed intended use. (see also above regarding applicant's claimed "discrete space" limitations). The intended use of the spaces for a "washer" and "clothes dryer" are not afforded significant patentable weight (see intended use discussion above). A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the instant case, the integrated laundry assembly in Figure 13 of BALTES contains discrete spaces which are fully capable of housing a "washer" and a "clothes dryer". This would be readily evident to one having ordinary skill in the art. Furthermore, the Examiner notes that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

BALTES appears to disclose each and every structural limitation of the claimed invention with the exception of slidable shelves and/or drawers in the appliance cabinet. Re claims 1, 11-12, 15-16 & 22-24, DREHER teaches that it is known to provide a household appliance cabinet with a slidable drawer with a flat supporting surface (Figure 4; readable on slidable shelf) and a slidable shelf (Figure 5) for the purpose of providing laundry supports to ease laundry operations (see also Abstract). Therefore,

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the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the integrated laundry cabinet of COTTON with slidable drawers/shelves for the known purpose of easing laundering operations. Moreover, there would have been a reasonable expectation of success in providing the cabinet assembly of COTTON with such drawers/shelves since both are in the same field of endeavor and the addition of such drawers/shelves would be a simple modification well within the knowledge generally available to one in the appliance manufacturing art. Regarding a plurality of drawers in claim 23, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to supply plural drawers in order to achieve the desired drawer spaces since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8; *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over COTTON or BALTES in view of RICE (previously cited) as evidenced by BALTES and CHAN. Recitation of SANKA and BALTES are repeated here from above. Although SANKA and BALTES do disclose a drying space in the cabinet, SANKA and BALTES does not expressly disclose shoe dryers. RICE teaches that it is well known to dry hollow articles such as boots and gloves using dryers by inserting heated air into the articles (col. 1, line 13 *et seq.*) and further discloses a portable dryer for such hollow articles with convenient portability and storage, the portable dryer having a bottom

support 134, a stem portion 22 for insertion into the hollow article to be dried, an air flow outlet at the end of the stem 116/117, and an air moving device 16 (see col. 1, lines 7-11 & Figures 1-2, 6, and relative associated text). Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to modify the drying cabinet of SANKA and BALTES with the portable shoe dryers of RICE for the purpose of improved, more efficient drying of hollow articles such as shoes. The combining of the common knowledge washing/drying cabinet components of SANKA/BALTES and RICE to arrive at applicant's integrated laundry center would be within the level and skill of one having ordinary skill in the art at the time the invention was made in order to provide a laundry center with comprehensive washing and drying functionality. This can be evidenced by BALTES which discloses a common knowledge drying component integrated in a multi-spaced cabinet system. Such integration can also be evidenced, for instance, by CHAN which teaches that it is well known in the art to provide a modular cabinet system which can be constructed in various combinations with plural discrete spaces of various sizes, shapes and drawers as well as duplicate parts to form an integrated cabinet assembly (see, for instance, the abstract and Figures). Moreover, the courts have long held that forming in one piece an article which has formerly been formed in multiple pieces involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893); *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

7. Accordingly, the position is taken that forming a multi-spaced laundry cabinet with the common knowledge functional components of COTTON/BALTES and RICE



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would be well within the level and knowledge of one having ordinary skill in the art at the time the invention was made and that there would be a reasonable expectation of success in combining the known components of the analogous art references to arrive at applicant's claimed invention.

The Examiner notes that the record is silent with respect to any objective evidence regarding secondary considerations (i.e. objective evidence of non-obvious such as unexpected results).

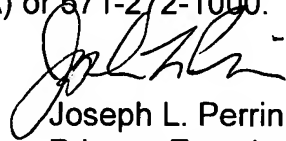
### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Joseph L. Perrin, Ph.D.  
Primary Examiner  
Art Unit 1746

JLP